

**DISSENTING STATEMENT OF COMMITTEE MEMBER GARY WILSON JOINED
BY COMMITTEE MEMBER GIL LIMA**

I concur with the Minority Report conclusion in so far that Rule 31 should stand unchanged; but do not adopt comments assigning fault or negligence to the office of the District Attorney.

The Ly case is a most unfortunate one from an administration of justice viewpoint. Justice was not served, not as a result of a shortcoming or misapplication of Rule 31, more as a result of multi-level human error and lack of oversight.

I write on an issue that was briefly covered in the committee discussion and deliberations which makes the likelihood of Ly procedural mishap occurring again very remote.

The Trial Court since the early 1990's has developed and implemented computerized case management systems in each department of the court.

Forecourt Vision in the Superior Court Department is now in it's fourth generation, and soon will be superseded by MassCourts, an interdepartmental case management system.

I have worked with the Forecourt system in the Superior Court Department for the past eighteen years as well as served on Superior Court Case Management Committees and study groups and find the current case management system as well as MassCourts, the next generation case management system, to be more than sufficient to track criminal cases from arraignment to disposition as well as cases on appeal.

Cases in which a defendant has been granted a stay of execution pending resolution of appeal can be monitored by the existing Forecourt Vision system as well as MassCourts.

A case in which a stay of execution of sentence pending resolution of appeal can presently be placed on the daily trial court docket and monitored on a weekly or monthly basis as circumstances require, both to monitor conditions of release as well as the stays of the case on appeal.

Cases on Rule 15 Interlocutory Appeal have been monitored on a thirty to sixty day basis in the Magistrate Session in Suffolk Superior Criminal Court since 1992.

The likelihood of a case "falling through the cracks" is remote at best.

Attorneys and prosecutors can register with the Superior Court Trial Court Information System presently to monitor cases from their offices desktops and laptop computers without stepping foot in the Clerk's Office.

I do not support changing Rule 31 in an effort to prevent a future Ly situation.